



PATENT

ATTORNEY DOCKET NO.: SMD-58-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peterson, et al.)	Examiner: Unknown
)	
Serial No.: 10/813,107)	Art Unit: 1731
)	
Filed: March 30, 2004)	Deposit Acct. No.: 04-1403
)	
Title: Process For Producing Smoking Articles)	Customer ID: 22827
With Reduced Proclivity Characteristics And)	
Products Made According To Same)	

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.131

We, Thomas A. Kraker, Richard M. Peterson, and Joseph S. Kucherovsky do hereby declare as follows:

We are the inventors of the invention claimed in the above-captioned application.

The above captioned application claims priority to a provisional application having U.S. Patent Application Serial No. 60/248,061, filed on November 13, 2000. The above captioned application is also a continuation application of U.S. Patent Application Serial No. 10/054,744 filed on November 13, 2001.

Claim 41 as currently pending is directed to a paper wrapper for a smoking article that comprises a paper web having a permeability greater than about 60. Treated discrete areas are located on the paper web formed by applying a film-forming composition to the web. The treated discrete areas are separated by untreated areas. The treated discrete areas have a permeability of less than about 25 Coresta and a BMI of less than about 5 cm^{-1} . The treated areas reduce ignition proclivity of a smoking article incorporating the paper wrapper.

We are aware and have submitted to the U.S. Patent Office in an Information Disclosure Statement U.S. Patent No. 6,645,605. The '605 patent was filed in the U.S. Patent Office on January 15, 2001.

We hereby declare that we had already reduced our invention as defined in claim 41 to practice prior to the filing date of the '605 patent. In particular, we conducted a trial

prior to January, 2001 in which wrapping papers for smoking articles having a permeability of greater than 60 Coresta were printed with a film-forming composition. The film-forming composition created treated discrete areas that had a permeability of less than 25 Coresta and a BMI of less than about 5 cm⁻¹.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned application or any patent issuing thereon.

2/10/05
Date

Thomas A. Kraker
Thomas A. Kraker

2/21/05
Date

Richard M. Peterson
Richard M. Peterson

2/16/05
Date

Joseph Kucherovsky
Joseph S. Kucherovsky